

DAN BURTON, INDIANA,
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. MCINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LATOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
HELEN CHENOWETH-HAGE, IDAHO
DAVID VITTER, LOUISIANA

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
TTY (202) 225-6852

HENRY A. WAXMAN, CALIFORNIA,
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

July 12, 2000

The Honorable Janet Reno
Attorney General
United States Department of Justice
Washington, D.C. 20530

The Honorable Beth Nolan, Esq.
Counsel to the President
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

RE: Appointment of a Special Master to Supervise Production of E-Mails
Under Subpoena

Dear Madam Attorney General and Counsel to the President Nolan:

I write to suggest that you support the appointment of a Special Master to supervise production of e-mail communications currently under subpoena.

As you are aware, the White House not only failed to produce information contained in e-mail communications, it also failed to notify all interested parties that there was a universe of documents that was not even being searched for responsiveness to subpoenas from Congress, Independent Counsels, and the *Alexander* plaintiffs. As you are also aware, the Department of Justice is currently on both sides of the same case – it is appearing in court to represent the White House, and it is conducting a criminal investigation of intimidation and obstruction of justice in the e-mail matter. At the very minimum, this presents a significant conflict of interest.

Of greater importance, however, is the fact that the White House has made representations in federal district court and before Congress that do not appear to be accurate. The Committee is concerned by the inability of the White House to adhere to its representation that copying of the first batch of backup tapes was to begin in June of 2000. This representation was provided to a federal district court judge on June 2, 2000, and it was provided to this Committee by the Counsel to the President at a March 30,

2000, hearing. Although the White House has failed to apprise Congress of the status of the e-mail reconstruction project -- notwithstanding a realistic expectation, based on assurances by the White House, that some documents would have been produced by now -- it appears that there is a significant delay in the reconstruction process. Of particular concern to this Committee is that, just as the White House failed to notify the Committee in 1998 of its inability to search for documents responsive to subpoenas, the White House has also failed to communicate to Congress the present status of the e-mail reconstruction project. There can be little doubt that, as the Administration's days grow shorter, the White House's enthusiasm for completing this project will also wane. Accordingly, this Committee has no confidence that the White House will satisfy its obligations to produce information in a timely fashion. Furthermore, there is little confidence that even if the reconstruction is completed in the near future, there will be good faith compliance with the various outstanding document requests.

For these reasons, I request that you support the appointment of a Special Master to oversee production of documents to Congress, Independent Counsels, and the *Alexander* plaintiffs.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dan Burton". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Dan Burton
Chairman

cc: The Honorable Henry A. Waxman
The Honorable Royce C. Lamberth